IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MRS. JUSTICE K. HEMA

WEDNESDAY, THE 17TH JANUARY 2007 / 27TH PAUSHA 1928

Crl. Rev. Pet. No. 492 of 2005(B)

CRA.376/2003 of SESSIONS COURT, PATHANAMTHITTA
CC. 874/2002 of JUDL. MAGISTRATE OF FIRST CLASS COURT-I, PATHANAMTHITTA

REVN. PETITIONER/APPELLANT/ACCUSED

SAVIOUR ANTONY,
NIRANNANILATHU VEEDU, MALLAPUZHASSERY MURI,
MALLAPPUZHASSERY VILLAGE, KOZHENCHERRY TALUK.

BY ADV. SRI. K. SASIKUMAR

RESPONDENTS/RESPONDENTS/COMPLAINANT

1. **GEORGE P. EASWO,**
   PALLIPPEDIKAYIL VEEDU, KOZHENCHERRY MURI,
   KOZHENCHERRY VILLAGE, KOZHENCHERRY TALUK.

2. **STATE OF KERALA, REPRESENTED BY**
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
   ERNAKULAM.

R1 BY ADV. SRI. M.V. MATHEW
R2 BY PUBLIC PROSECUTOR SRI. C.M. KAMMAPPU

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 17/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. HEMA, J.

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Crl.R.P. No. 492 of 2005

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Dated this the 17th day of January, 2007.

ORDER

Revision Petitioner is the accused in C.C No. 874 of 2002 on the file of the Judicial First Class Magistrate Court–I, Pathanamthitta. First respondent is the complainant therein. Revision petitioner was convicted and sentenced by the Magistrate's Court to undergo simple imprisonment for a period of six months under section 138 of the Negotiable Instruments Act and to pay a compensation of Rs. 50,000/- to the complainant under section 357(3) Cr.P.C. In appeal filed by him, the conviction was confirmed but sentence was modified by the Sessions Court, Pathanamthitta. This revision arises from the said conviction and sentence.

2. At the time of hearing, both sides submitted that a petition as Crl.M.A.No. 478 of 2007 is filed for compounding the offence. It is also submitted by both sides that the matter is settled out of court amicably between the parties and the amount is also paid by the petitioner to the satisfaction of the first respondent-complainant. On hearing both sides and on going through the averments in the petition, I am satisfied that this is a fit case to grant permission to compound the offence.

In the result, the Revision Petitioner is acquitted of offence under section 138 of the Negotiable Instruments Act, as offence is compounded. He is set at liberty forthwith.

Crl. M.A.No.478 of 2007 and Revision Petition are allowed.

Krs. **K. HEMA, JUDGE.**